

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1599

Introduced by Assembly Member Beall

January 4, 2010

An act to add Article 5.5 (commencing with Section 14183) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as amended, Beall. Medi-Cal: alcohol and drug screening and brief intervention services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services.

This bill would establish the Medi-Cal Alcohol and Drug Screening and Brief Intervention Services Program, ~~which would be administered by the department, in consultation with the State Department of Alcohol and Drug Programs, for the purpose of increasing the state's ability to make available alcohol and drug screening and brief intervention services to Medi-Cal beneficiaries who are pregnant women or women of childbearing age by authorizing a public entity, as defined, to provide or contract for these services for Medi-Cal beneficiaries who are pregnant women or women of childbearing age. The bill would require the department to administer the program in accordance with federal certified public expenditure requirements in certifying that a claimed expenditure for alcohol and drug screening and brief intervention services is eligible for federal financial participation. under which the department, in consultation with the State Department of Alcohol and~~

Drug Programs, would be required to provide reimbursement under the Medi-Cal program for alcohol and drug screening and brief intervention services provided to Medi-Cal beneficiaries who are pregnant women or women of childbearing age, as specified. This bill would require the nonfederal share of expenditures submitted to the federal Centers for Medicare and Medicaid Services (CMS) for purposes of claiming federal financial participation for services provided pursuant to the program to be comprised of only those funds that are paid by a public entity and certified in accordance with federal certified public expenditure requirements, as defined. The bill would require a public entity that participates in the program, upon receiving federal financial participation for expenditures made to CMS for alcohol and drug screening and brief intervention services, to reimburse the state for any costs of creating and administering the program. The bill would require the department to promptly seek any all necessary federal approvals for the implementation of the program.

The bill would provide that participation in the program would be voluntary for a qualifying Medi-Cal beneficiary. The bill would also require the fact of whether a beneficiary participates in the program, and the results of any screening done under the program, to be maintained in the beneficiary's confidential medical records, as provided.

The bill would provide that the above-described provisions shall be implemented only if, and to the extent that, federal funds are available for that purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Screening and brief intervention for alcohol and other drug
- 4 abuse, in emergency rooms, primary care centers, clinics, and other
- 5 settings, have been demonstrated to be valuable and effective tools
- 6 in the prevention, interruption, and treatment of alcohol and other
- 7 drug abuse.
- 8 (b) Alcohol and drug screening and brief intervention services
- 9 should be readily available to patients in emergency rooms, primary
- 10 care centers, clinics, and other appropriate settings.

1 (c) A Medi-Cal beneficiary eligible for alcohol and drug
2 screening and brief intervention services should not be
3 discriminated against based on his or her type of coverage.

4 (d) The use of available federal and other funds to support the
5 delivery of alcohol and drug screening and brief intervention
6 services should be maximized.

7 SEC. 2. Article 5.5 (commencing with Section 14183) is added
8 to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions
9 Code, to read:

10
11 Article 5.5. Medi-Cal Alcohol and Drug Screening and Brief
12 Intervention Services Program
13

14 14183. This article shall be known, and may be cited, as the
15 Medi-Cal Alcohol and Drug Screening and Brief Intervention
16 Services Program.

17 14183.1. For purposes of this article, the following definitions
18 shall apply:

19 (a) "Department" means the State Department of Health Care
20 Services.

21 (b) "Public entity" means a county, or other local governmental
22 entity designated by the department, that elects to provide or
23 contract for alcohol and drug screening and brief intervention
24 services for Medi-Cal beneficiaries who are pregnant women or
25 women of childbearing age pursuant to this article.

26 14183.2. (a) The Medi-Cal Alcohol and Drug Screening and
27 Brief Intervention Services Program is hereby established.

28 ~~(b) The department, in consultation with the State Department~~
29 ~~of Alcohol and Drug Programs, shall administer the program for~~
30 ~~the purpose of increasing the state's ability to make available~~
31 ~~alcohol and drug screening and brief intervention services for~~
32 ~~Medi-Cal beneficiaries who are pregnant women or women of~~
33 ~~childbearing age.~~

34 ~~14183.3. (a) The department shall administer this article in~~
35 ~~accordance with federal regulations in certifying that the claimed~~
36 ~~expenditures for alcohol and drug screening and brief intervention~~
37 ~~services for Medi-Cal beneficiaries who are pregnant women or~~
38 ~~women of childbearing age are eligible for federal financial~~
39 ~~participation. The department shall do all of the following in~~
40 ~~accordance with administering this provision:~~

1 ~~(1) Provide evidence supporting the certification, as specified~~
2 ~~by the department.~~

3 ~~(2) Submit data, as specified by the department, to determine~~
4 ~~the appropriate amounts to claim as expenditures qualifying for~~
5 ~~federal financial participation.~~

6 ~~(3) Keep, maintain, and have readily retrievable, any records~~
7 ~~specified by the department to fully disclose reimbursement~~
8 ~~amounts to which the eligible public entity is entitled, and any~~
9 ~~other records required by the federal Centers for Medicare and~~
10 ~~Medicaid Services.~~

11 *(b) The department, in consultation with the State Department*
12 *of Alcohol and Drug Programs, shall, pursuant to this article,*
13 *provide reimbursement under the Medi-Cal program for alcohol*
14 *and drug screening and brief intervention services provided to*
15 *Medi-Cal beneficiaries who are pregnant women or women of*
16 *childbearing age.*

17 *(c) The department, in implementing this article, shall do all of*
18 *the following:*

19 *(1) Create an appropriate mechanism to enable a public entity*
20 *to pay the nonfederal share of the cost of providing services*
21 *pursuant to this article.*

22 *(2) Submit claims for federal financial participation for the*
23 *expenditures for the services described in subdivision (b) that are*
24 *allowable expenditures under federal law.*

25 *(3) Establish standards, billing codes, and reimbursement rates*
26 *for the services described in subdivision (b) that are consistent*
27 *with Title XIX of the federal Social Security Act (42 U.S.C. Sec.*
28 *1396).*

29 ~~(b)~~

30 *(d) The nonfederal share of expenditures submitted to the federal*
31 *Centers for Medicare and Medicaid Services for purposes of*
32 *claiming federal financial participation shall be comprised of only*
33 *those funds that are paid by a public entity, as defined in*
34 *subdivision (b) of Section 14183.1, and certified in accordance*
35 *with subdivision (a) 14183.1.*

36 ~~(e) In administering this article, the department shall do all of~~
37 ~~the following:~~

38 ~~(1) Promptly seek any necessary federal approvals for the~~
39 ~~implementation of this article.~~

1 ~~(2) Submit claims for federal financial participation for the~~
2 ~~expenditures for the services described in subdivision (a) that are~~
3 ~~allowable expenditures under federal law.~~

4 ~~(3) Submit, on an annual basis, any necessary materials to the~~
5 ~~federal government to provide assurances that claims for federal~~
6 ~~financial participation will include only those expenditures that~~
7 ~~are allowable under federal law.~~

8 ~~(4) Create an appropriate mechanism to enable a public entity~~
9 ~~to pay the nonfederal share of the cost of providing services~~
10 ~~pursuant to this article.~~

11 ~~(e) The department shall seek all necessary federal approvals~~
12 ~~in order to implement this article, including any amendments to~~
13 ~~the state plan. To the extent that any element or requirement of~~
14 ~~this article is not approved, the department shall submit a request~~
15 ~~to the federal Centers for Medicare and Medicaid Services for any~~
16 ~~waivers that would be necessary to implement this article.~~

17 ~~(d)~~

18 (f) Upon receipt of federal reimbursement for the claim,
19 including federal matching funds, the department shall provide
20 the reimbursement to the public entity for which the claim was
21 submitted.

22 ~~(e)~~

23 (g) The department may implement, interpret, and make specific
24 this article by means of all-county letters, provider bulletins, and
25 similar instructions.

26 ~~(f)~~

27 (h) Participation in the screening and intervention program
28 established pursuant to this article shall be voluntary for a Medi-Cal
29 beneficiary. Participation in the program, and results of the
30 screening, shall be maintained in the beneficiary's confidential
31 medical records, and subject to all confidentiality requirements
32 applicable to medical records.

33 ~~(g)~~

34 (i) It is the intent of the Legislature, in enacting this section, to
35 provide the alcohol and drug screening and brief intervention
36 services to Medi-Cal beneficiaries who are pregnant or who are
37 women of childbearing age without the expenditure of moneys
38 from the General Fund.

39 ~~(h)~~

(j) A public entity that participates in the program established pursuant to this article shall, upon receiving federal financial participation for certified public expenditures made for alcohol and drug screening and brief intervention services, reimburse the state for any costs of creating and administering the program.

(i)

(k) A public entity shall, as a condition of receiving federal financial participation for certified public expenditures made for alcohol and drug screening and brief intervention services for a Medi-Cal beneficiary who is pregnant or who is a woman of childbearing age, enter into, and abide by, an agreement with the department regarding the implementation of this section and reimbursement to the department for the department's costs for administering this section.

~~14183.4.~~

~~14183.3.~~ This article shall be implemented only if, and to the extent that, federal funds are available for this purpose.